



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of John Reed,
Battalion Fire Chief (PM2163W),
Plainfield

CSC Docket No. 2018-3518

Examination Appeal

ISSUED: July 16, 2019 (RE)

John Reed appeals the administration of the oral portion of the examination for Battalion Fire Chief (PM2163W), Plainfield.

The oral portion of this examination was administered to the appellant on May 28, 2019. In an appeal postmarked June 6, 2019, the appellant appealed the testing conditions. Specifically, he stated that he was told that the clock in the room was broken, he did not bring a stop watch, and he was given a two-minute warning. The appellant states that he was disadvantaged as he did not have a clock to follow to monitor his ten-minute presentation so that he could present information in that time.

The appellant was informed that his appeal was untimely. He was also told that the Battalion Fire Chief Orientation Guide indicated that an objection to the manner in which the examination was administered must be made in writing immediately following the completion of the examination, and that no appeal relating to the manner in which the examination was administered would be permitted after the test date. When the appellant brought the clock issue to the attention of the monitor, he was given the choice of continuing with the test, and he opted to continue. The appellant was informed that it was his responsibilities track this time, and he could have asked the room monitor how much time he had used if he thought he was speaking too long on one question.

The appellant replied that he was never provided information regarding test administration appeals in writing or verbally. He states that the examination review and appeal procedures form which he was provided indicated that he had 20 calendar days from the review date to file an appeal. He states that he felt cheated on timing, and when he called this Agency's staff the next day, was told that he had 20 days to appeal. He states that on the day of the examination, he asked if there were clocks in every room and was told that there was, and that a stop watch was suggested but not required. He says that he removed his smart watch and left it in the car as it was an electronic recording device, but that the clock in the room did not work and he wanted to see the monitor's timekeeping device. The monitor said that the two-minute warning would be given as a courtesy, and asked him if he would like to continue taking the examination or end the test. The appellant stated that he opted to proceed because he had studied. He said he would have spoken up on the day of testing had he been given the opportunity, and that all rooms should have the exact same setup for test takers to make a fair and unbiased. The appellant argues that colleagues were offered the opportunity to see the monitor's stopwatch or use the working clocks in their room, and that he did not have this equal opportunity, which has cost him stress and grief.

CONCLUSION

N.J.A.C. 4A:4-6.4(c) states that an examination candidate wishing to challenge the manner in which the examination was administered must file an appeal in writing at the examination site on the day of the examination.

Since this appeal of test administration issues was not submitted on the test date, it is untimely. Specifically, the appellant took the examination on May 28, 2019, and filed an appeal nine days later, on June 6, 2019. The Civil Service Commission (Commission) makes every effort to insure that test administration is as uniform as possible for all candidates. As such, in the Check-In Area, candidates were given a Candidate Information Sheet which they initialed and returned to the monitor. Point (A)4 on this sheet stated, "Any objection to the manner in which your examination was administered must be made in writing immediately following the completion of your test. Candidates should complete the 'Test Administration Comment/Appeal' Form provided at the test center to file their objection. Appeals relating to the manner in which the examination was administered will not be permitted after the test date." The Division of Test Development and Analytics retains this form with the appellant's initials. In *In the Matter of Kimberlee L. Abate, et al.*, Docket No. A-4760-01T3 (App. Div. August 18, 2003), the court noted that "the obvious intent of this 'same-day' appeal process is to immediately identify, address and remedy any deficiencies in the manner in which the competitive examination is being administered. The information regarding filing an appeal of test conditions at this test center on the day of the examination is provided in the Orientation Guide which is available to all candidates prior to the examination on the Commission's website.

As such, the appellant's argument that he was not informed of the appeal process is unpersuasive, and this appeal is untimely.

A thorough review of the record indicates that the administration of the subject examination was proper and consistent with Civil Service Commission regulations, and that appellant has not met his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 9th DAY OF JULY, 2019



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